

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

FILED

2005 APR 25 P 3:47

UNITED STATES OF AMERICA

v.

MICHAEL L. MORRIS

1:05-CV-36;1:05-CV-82

1:03-CR145

Collier

S. DISTRICT COURT  
EASTERN DIST. TENN.

DEP. CLERK

MEMORANDUM

Defendant Michael L. Morris ("Morris") filed a *pro se* petition for a writ of habeas corpus which was opened as Civil Action Number 1:05-cv-36. The body of the document referenced 28 U.S.C. § 2254 and 28 U.S.C. § 2255; since Morris is attacking a federal conviction the Court presumed Morris was attempting to file a § 2255 motion. On February 16, 2005, the Court directed the Clerk to send Morris the proper forms to file a motion pursuant to 28 U.S.C. § 2255 and ordered Morris to complete the § 2255 form and file it within thirty days from the date of the order (Court File No. 2). In compliance with the Court's order, Morris subsequently filed a § 2255 motion. However, rather than filing the motion in his pending case, Civil Action Number 1:05-cv-36, the motion was opened as a new case, Civil Action Number 1:05-cv-82.

Pursuant to FED. R. CIV. P. 42(a) the district court is afforded discretion concerning the purposes and scope of consolidation. Therefore, pursuant to FED. R. CIV. P. 42(a) these cases will be consolidated. All future filings in this action shall be filed in Civil Action Number 1:05-cv-36.

The Clerk will be **DIRECTED** to **CONSOLIDATE** these cases and send the United States and the defendant involved in this case copies of this order and all relevant documents.

Also pending before the Court is Morris' motion for an extension of time to file a memorandum of law in support of his § 2255 motion (Court File No. 4). Morris' motion for an extension of time will be **GRANTED** (Court File No. 4). Morris **SHALL** file a memorandum of law in support of his § 2255 motion on or before **May 20, 2005**.

Since it does not plainly appear from the face of the motion that it should be summarily dismissed, the United States Attorney will be **ORDERED** to file an answer or other pleading to the § 2255 motion within **forty-five (45) days** from entry of this Order. Rule 4 of the RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS.

An appropriate order will enter.

/s/  
CURTIS L. COLLIER  
UNITED STATES DISTRICT JUDGE